IN THE HIGH COURT OF JUDICATURE
AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.1504 OF 1999

Shri Rajendra Prasad S. Pandey ...Petitioner
Vs.
Shri B.L. Giri and Ors. ...Respondents

Mr.M.S.Mohite for the Petitioner
Mr. R.S. Apte for Respondents 10 and 11
Mrs. A.S. Pai, A.P.P for the State

CORAM: SHRI J.N.PATEL &
SMT. ROSHAN DALVI, JJ.
DATED: 14TH SEPTEMBER, 2006

P.C.

1. The Petitioner approached this Court seeking stay in the proceedings initiated against the Petitioner and Respondent Nos.10 and 11 under Section 145 of Criminal Procedure Code relating to a dispute about the ownership and possession Hanuman Temple situated adjacent to Vithalwadi Station, Ulhasnagar.

2. This Court by interim order stayed the proceeding under Section 145 of Criminal Procedure Code.

3. We are informed that as late Baba Hanumandas to whom the property was given by the Government of India and on

which the said temple is constructed had applied to the Charity Commissioner just before his death to constitute Public Trust, and because of passage of time Trust has come into form, but now there are two Trusts which are also having litigations as regards to the said property. Therefore, so far as this Petition is concerned nothing remains in the matter.

4. In the aforesaid backdrop in case there is no likelihood of breach of peace relating to possession of the property in question then we find no reason why the proceeding under Section 145 of Criminal Procedure Code should not be dropped, therefore, we dispose of the Petition as infructuous. Rule discharged.

(SMT.ROSHAN DALVI, J.) (SHRI. J.N. PATEL, J.)